

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

v.

LINO CARDENAS

Defendant.

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§

Criminal No.

SA-11-CR-629 OLG

ORDER DENYING MOTION FOR RECONSIDERATION

The matter before the court is defendant's motion to reconsider and the government's opposition thereto (docket entries 29 and 30). The motion concerns the Order granting the motion to detain (docket entry 7).

In support of the motion defendant argues that there has been a material change in defendant's circumstances since August 2011 when I held a bond hearing and detained defendant pending trial based on flight and dangerousness. Specifically defendant explains that he and his wife have (1) property valued at \$100,000 as well as (2) homes which are mortgaged which they are willing to pledge to secure a bond.

Although there is no explicit authority for the court's reconsideration of an order of detention, 18 U.S.C. Sec. 3142(f) states that a hearing may be reopened "if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community."

After reviewing the transcript of the detention hearing, my order of detention and the procedural history of the case, I will DENY the motion to reconsider. Defendant has not presented

any information that was not available at the time of the hearing that bears on the matter of flight or danger. It appears that defendant and/or his wife have had the property which he now tenders: This is not new information. Additionally, offers of property which are otherwise secured will not sufficiently secure the defendant's appearance.

Accordingly, the motion to reconsider is ORDERED DENIED.

SIGNED on February 1, 2012.



**NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE**